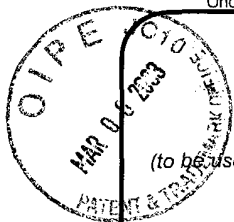


Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (6-98)
Approved for use through 09/30/2000. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/693,204
Filing Date	10/19/00
First Named Inventor	Warrington, et al.
Group Art Unit	Diana B. Johannsen
Examiner Name	1634
Attorney Docket Number	3240.1

Total Number of Pages in This Submission

11

ENCLOSURES (check all that apply)

☒ Fee Transmittal Form

☐ Fee Attached

☒ Amendment / Response

☒ After Final

☐ Affidavits/declaration(s)

☒ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/
Incomplete Application

☐ Response to Missing
Parts under 37 CFR
1.52 or 1.53

☐ Assignment Papers
(for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition Routing Slip (PTO/SB/69)
and Accompanying Petition

☐ Petition to Convert to a
Provisional Application

☐ Power of Attorney, Revocation
Change of Correspondence Address

☐ Terminal Disclaimer

☐ Small Entity Statement

☐ Request for Refund

☐ After Allowance Communication to
Group

☐ Appeal Communication to Board of
Appeals and Interferences

☒ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Additional Enclosure(s)
(please identify below):

Return Postcard

Remarks

Response to Office Action: 7 pages

The Commissioner is hereby authorized to charge any fees
which may be required, or credit any overpayment to Deposit
Account No. 01-0431.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
or
Individual name

Wei Zhou, Reg. No.: 44,419

Signature

Wei Zhou

Date

02/27/03

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: Feb 27-03

Typed or printed name

Lori Garcia

Signature

Lori Garcia


Date

2-27-03

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NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCESDocket Number (Optional)
3240.1


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Signature

Typed or printed

Name

Lori Garcia
Lori Garcia

In re Application of

Warrington, et al

Application Number

09/693,204

Filed

October 19, 2000

For

Methods for Identifying and Using Maintenance Genes

Group Art Unit
1634Examiner
Diana B. JohannsenApplicant hereby **appeals** to the Board of Patent Appeals and Interferences from the decision of the examiner.Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated, 08/28/02, rejecting the following claims: 10-13.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$ 320.00☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ _____

☐ A check in the amount of the fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 01-0431. I have enclosed a duplicate copy of this sheet.☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

☐ applicant/inventor.☐ assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.☐ attorney or agent acting under 37 CFR 1.34(a).Registration number if acting under 37 CFR 1.34(a) 44,419.


Signature

Wei Zhou, Reg. No.: 44,419

Typed or printed name

03/07/2003 \$ZEWIDIE1 00000055 010431 09693204

01 FC:1401

320.00 CH

02/27/03

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1250

Complete if Known

Application Number 09/693,204
Filing Date October 19, 2000
First Named Inventor Warrington et al.
Examiner Name Diana B. Johannsen
Group / Art Unit 1634
Attorney Docket No. 3240.1

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 01-0431

Deposit Account Name AFFYTMETRIX, INC.

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☒ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	2001	750	375	Utility filing fee	
1002	2002	330	165	Design filing fee	
1003	2003	520	260	Plant filing fee	
1004	2004	750	375	Reissue filing fee	
1005	2005	160	80	Provisional filing fee	
SUBTOTAL (1)					(\$ 0)

2. EXTRA CLAIM FEES

Total Claims	-20 **	=	0	X		=	0
Independent Claims	-3 **	=	0	X		=	0
Multiple Dependent		X				=	0

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description
1202	2202	18	9	Claims in excess of 20
1201	2201	84	42	Independent claims in excess of 3
1203	2203	280	140	Multiple dependent claim, if not paid
1204	2204	84	42	** Reissue independent claims over original patent
1205	2205	18	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	2051	130	65	Surcharge - late filing fee or oath	
1052	2052	50	25	Surcharge - late provisional filing fee or cover sheet.	
1053	2053	130	65	Non-English specification	
1812	2812	2,520	1,260	For filing a request for reexamination	
1804	2804	920*	460	Requesting publication of SIR prior to Examiner action	
1805	2805	1,840*	920	Requesting publication of SIR after Examiner action	
1251	2251	110	55	Extension for reply within first month	
1252	2252	410	205	Extension for reply within second month	
1253	2253	930	465	Extension for reply within third month	930.00
1254	2254	1,450	725	Extension for reply within fourth month	
1255	2255	1,970	985	Extension for reply within fifth month	
1401	2401	320	160	Notice of Appeal	320.00
1402	2402	320	160	Filing a brief in support of an appeal	
1403	2403	280	140	Request for oral hearing	
1451	2451	1,510	755	Petition to institute a public use proceeding	
1452	2452	110	55	Petition to revive - unavoidable	
1453	2453	1,300	650	Petition to revive - unintentional	
1501	2501	1,300	650	Utility issue fee (or reissue)	
1502	2502	470	235	Design issue fee	
1503	2503	630	315	Plant issue fee	
1460	2460	130	65	Petitions to the Commissioner	
1807	2807	50	25	Processing fee under 37 CFR 1.17 (q)	
1806	2806	180	90	Submission of Information Disclosure Stmt	
8021	28021	40	20	Recording each patent assignment per property (times number of properties)	
1809	2809	750	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	2810	750	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	2801	750	375	Request for Continued Examination (RCE)	
1802	2802	900	450	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 1250)

SUBMITTED BY

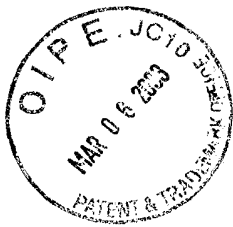
Complete (if applicable)

Name (Print/Type) Wei Zhou Registration No. Attorney/Agent 44,419 Telephone (408) 731-5000
Signature [Signature] Date 02/27/03

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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Patent Docket No. 3240.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Warrington, *et al.*

Examiner: Diana B. Johannsen

Serial No: 09/693,204

Group Art Unit: 1634

Filing Date: October 19, 2000

Title: Methods For Identifying And
Using Maintenance Genes

Commissioner for Patents
Washington, D.C. 20231

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RESPONSE TO OFFICE ACTION

Dear Sir:

In response to the Office Action dated August 28, 2002, Applicants request that the Examiner enter the following amendments and consider the following remarks and withdraw the present rejections.

Applicants respectfully petition for a 3-month extension of time within which to respond to the outstanding Office action, including August 28, 2002.

IN THE CLAIMS

Please cancel Claims 10 and 11 without prejudice. Applicants will pursue the cancelled claims in a related application.

Please amend Claim 13 as follows:

13. (Amended) A method for determining the expression of a gene in a plurality of